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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)	No. CR 3 06-70413 MEJ
13 Plaintiff,)	
14 v.)	PROPOSED ORDER EXCLUDING
15 KAI BUTLER,)	TIME FROM AUGUST 1, 2006
16 Defendant.)	THROUGH AUGUST 16, 2006 FROM
)	CALCULATIONS UNDER THE SPEEDY
)	TRIAL ACT (18 U.S.C. § 3161) AND
)	UNDER F.R.C.P. 5.1

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18 The parties appeared before this Court on the pending complaint on August 1, 2006. The
19 defendant was personally present. V. Roy Lefcourt, Esq., appeared specially on behalf of the
20 defendant. Gregg Lowder, Assistant United States Attorney, appeared for the United States. The
21 Court continued the matter to August 16, 2006 @ 9: 30 a.m. for defendant's next appearance in
22 magistrate court.

23 At the request of the defendant, the Court enters this order continuing this hearing and
24 excluding time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and from
25 calculations under Federal Rule of Criminal Procedure 5.1, from August 1, 2006 through August
26 16, 2006. The parties, including the defendant, agree and the Court finds and holds as follows:

- 27 1. The defendant understands, requests and agrees to the exclusion of time from
28 calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and under Federal Rule of

1 Criminal Procedure Rule 5.1, from August 1, 2006 through August 16, 2006 based upon
2 the desire of the defense to continue to analyze the discovery presented before an
3 indictment is sought by the government; to investigate further the facts of the case prior to
4 indictment; to continue to permit the defendant time to negotiate the retention of an
5 attorney of his choice, V. Roy Lefcourt; to allow V. Roy Lefcourt time to effectively
6 prepare and analyze the defendant's case; and for continuity of counsel, to allow the
7 defendant time to retain V. Roy Lefcourt.

8 2. The defense counsel V. Roy Lefcourt, specially appearing, joins in the request to
9 exclude time under the Speedy Trial Act and under Federal Rule of Criminal Procedure
10 5.1 for the above reasons, and believes the exclusion of time is necessary for him to
11 effectively preparation a defense and for continuity of counsel, and is in the defendant's
12 best interests, and further agrees the exclusion under the Speedy Trial Act, 18 U.S.C. §
13 3161 and under Federal Rule of Criminal Procedure 5.1 should be from August 1, 2006
14 through August 16, 2006.

15 Given these circumstances, the Court finds that the ends of justice served by excluding
16 from calculations the period from August 1, 2006 through August 16, 2006, outweigh the best
17 interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. §
18 3161 and, with the defendant's consent, finds good cause for the same reasons listed above to
19 exclude August 1, 2006 through August 16, 2006 from time calculations under Federal Rule of
20 Criminal Procedure 5.1. Accordingly, and at the request of the defendant personally, the Court
21 (1) sets an appearance date before this Court on August 16, 2006, @ 9:30 a.m., and (2) orders
22 and finds that the time from August 1, 2006 through August 16, 2006 is excluded from time

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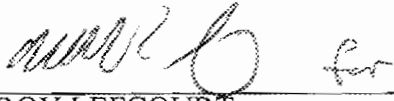
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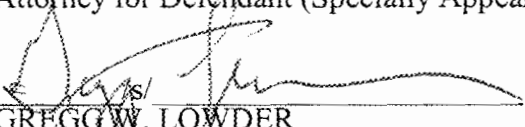
calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and under Federal Rule of Criminal Procedure 5.1.

SO STIPULATED:

DATED: 8/16/06

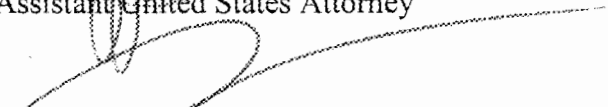

V. ROY LEFCOURT
Attorney for Defendant (Specially Appearing)

DATED: 8/7/06


GREGG W. LOWDER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 8/16/06


JOSEPH C. SPERO
United States Magistrate Judge